

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.1044 of 2005

14.12.2006

Between:

Mukta Bai, W/o.Madhav

... Petitioner

AND

The Revenue Divisional Officer, Utnoor, Adilabad District

And others

... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.1044 of 2005

ORDER:

The petitioner is allegedly landless and poor person in occupation of the land admeasuring Acs.4.38 guntas in survey No.53/KK situated at Yenka village of Utnoor Mandal in Adilabad District, which is admittedly scheduled area. This writ petition is filed assailing the notice dated 31.12.2004 in Form-E issued by the Mandal Revenue Officer (MRO), Utnoor Mandal, purportedly under Rule 6 of Laoni Rules. By the said notice, objections were invited in the matter of consideration of petitioner's application for grant of patta in respect of the subject land. It is the case of the petitioner that she and her predecessor in possession of the land since 1954 and perfected title by prescription. Further, she never applied for Laoni patta. She also refers to earlier proceedings against her under A.P. Land Encroachment Act, 1905 (the Act, for brevity), which were set aside by this Court in W.P.No.15971 of 1992 dated 16.12.2002. For the purpose of this writ petition, those details are not necessary.

Though the interlocutory applications are listed, the matter was heard finally and is being disposed of by this order.

In the counter affidavit filed by the Revenue Divisional Officer (RDO), Utnoor, the first respondent herein, it is stated that the notice was issued under a mistaken impression and that the same has not been implemented so far. The right of the petitioner to continue in possession in respect of the land in the scheduled area is also disputed. The RDO also prayed this Court to set aside the impugned order with liberty to proceed against petitioner in accordance with law.

Learned Counsel for the petitioner submits that as admitted by the first respondent, the impugned notice is issued without any authority and law and, therefore, no liberty can be granted to the respondents to proceed further. This Court, however, is not able to accept the submission. As rightly pointed out by the learned Assistant Government Pleader for Revenue (Assignment), the MRO issued notice under a mistaken impression, which has now been cured by the RDO by filing an affidavit frankly admitting the mistake. Therefore, the impugned notice is set aside giving liberty to the respondents to take appropriate action in accordance with law.

The writ petition, with the above observations, is accordingly allowed. No costs.

December 14, 2006. (V.V.S.RAO,J)

YS